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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,196	09/25/2000	Philip Carragher	Carr-P2-00	2986
28710 7590 03/08/2007 PETER K. TRZYNA, ESQ. P O BOX 7131 CHICAGO, IL 60680			EXAMINER KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3691	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/669,196

Applicant(s)

CARRAGHER ET AL.

Examiner

Stefano Karmis

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☒ Claim(s) 37 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/00, 10/04, 11/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 07 December 2007.

### ***Summary of Claims***

2. Claims 55 and 56 are newly added. Claims 1-56 are currently pending.

### ***Response to Restriction***

3. Applicant's amendment has overcome the restriction mailed 08 August 2006 by including a linking claim to cover the combination of Group I and Group II.

### ***Claim Objections***

4. Claims 37 and 38 are objected to because of the following informalities: Claims 37 and 38 appear to be identical. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-56 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

Regarding claims 1-56, the terms “external residential expense”, “residential expense,” “external mortgage residential expense,” “non-mortgage residential expense” renders the claims indefinite because it is unclear what Applicant regards as the invention. Applicant has not provided for one of ordinary skill in the art to distinguish between these terms thus causing the metes and bounds of the claims to be confusing. Reasons for confusion are as follows:

Regarding claim 1, it is unclear whether the “external residential expense” in line 3 is the same or different than the “residential expense” in lines 2 and 4.

Regarding claim 8, it is unclear whether the “non-mortgage residential expense” in line 3 is the same or different than the “residential expense” in lines 2 and 4.

Claims 37 and 38 stand rejected for similar reasons to claim 1. However claim 37 is further unclear because it is programmed to carry out “mortgage crediting.” It is not clear whether mortgage crediting is considered a residential expense or an external residential expense.

Claims 39 stands rejected for similar reasons to claim 2. However claim 39 is further unclear because it is programmed to carry out “mortgage crediting.” It is not clear whether mortgage crediting is considered a residential expense, and the claim states that card activity is associated with non-mortgage residential expenses and then later performs mortgage crediting.

Claim 40, 42 stands rejected for similar reasons to claim 8.

Claim 41, 43 stands rejected for similar reasons to claim 1. Furthermore, claim 41 also recites an “external mortgage residential expense.” It is unclear whether this is considered part of a “residential expense” or an “external residential expense.”

Claims 55 and 56 stand rejected for reasons similar to claims 1 and 8.

Art Unit: 3691

Remaining claims 2-7, 9-36 and 44-54 for similar reasons or based upon their dependency.

For these reasons the metes and bounds of the claims are confusing and thus it would not be obvious to one of ordinary skill in the art what Applicant's regards as his invention. Therefore, the Examiner is unable to interpret what Applicant regards as his invention and respectfully requests that Applicant point out how these terms are similar or different.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/669,196

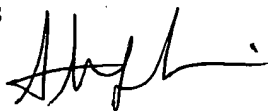
Page 5

Art Unit: 3691

Respectfully Submitted

Stefano Karmis

02 March 2007

A handwritten signature in black ink, appearing to read 'Stefano Karmis', written over the printed name.